

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

KRISH HOSPITALITY LLC, KRISH
INVESTMENTS INC.,

Plaintiffs,

vs.

AMGUARD INSURANCE COMPANY,
COLIN GEORGE MCGONAGLE,

Defendants.

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SA-23-CV-00450-FB

SCHEDULING ORDER

Before the Court is the above-styled and numbered cause of action, which was referred to the undersigned for all pretrial proceedings on April 17, 2023 [#5]. On June 28, 2023, the parties appeared, through counsel, at an initial pretrial conference, and the Court reviewed the parties' scheduling recommendations [#10]. Accordingly, pursuant to Rule 16 of the Federal Rules of Civil Procedure, the following Scheduling Order is issued to control the course of this case:

1. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties by **August 4, 2023**, and each opposing party shall respond, in writing, by **August 16, 2023**.

2. The parties shall file all motions to amend or supplement pleadings or to join additional parties by **August 4, 2023**.

3. All parties asserting claims for relief shall file their designation of testifying experts and shall serve on all parties, but not file, the materials required by Fed. R. Civ. P. 26 by **September 11, 2023**. Parties resisting claims for relief shall file their designation of testifying experts and shall serve on all parties, but not file, the materials required by Fed. R. Civ. P. 26 by

October 20, 2023. All designations of rebuttal experts shall be designated within 14 days of receipt of the report of the opposing expert.

4. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within 14 days of receipt of the written report of the expert's proposed testimony, or within 14 days of the expert's deposition, if a deposition is taken, whichever is later.

5. The parties shall complete all discovery on or before **November 17, 2023**. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

6. The parties must mediate this case on or before **November 10, 2023**, and file a report in accordance with Local Rule CV-88 after the mediation is completed.

7. All dispositive motions shall be filed no later than **December 15, 2023**. Dispositive motions and responses to dispositive motions shall be limited to 20 pages in length in accordance with Local Rule CV-7. Replies, if any, shall be limited to 10 pages in length.

8. The trial date will be determined at a later date by the Court. The parties shall consult Local Rule CV-16 regarding matters to be filed in advance of trial. At the time the trial date is set, the Court will also set the deadline for the filing of matters in advance of trial.

9. If at any time during the pendency of this lawsuit, you would like to consent to the trial of your case by a United States Magistrate Judge, please indicate your consent on the attached form or request a form through the Clerk's Office. If all parties consent to trial of this

case by a United States Magistrate Judge, this Court may enter an order referring the case to a United States Magistrate Judge for trial and entry of judgment.

IT IS SO ORDERED.

SIGNED this 29th day of June, 2023.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE

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CONSENT TO PROCEED TO TRIAL BEFORE
A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of 28 U.S.C. § 636(c), the parties to the above captioned civil matter hereby waive their rights to proceed before a judge of the United States District Court and consent to have a United States Magistrate Judge conduct any and all further proceedings in the case, including the trial, and order the entry of judgment. Any appeal shall be taken to the United States Court of Appeals for this judicial circuit, in accordance with 28 U.S.C. § 636(c)(3).

Party

By: _____
Attorney

Party

By: _____
Attorney

Party

By: _____
Attorney

APPROVED this the _____ day of _____, 2023.

FRED BIERY
UNITED STATES DISTRICT JUDGE